

Sixth Appellate District

San Jose, California

MONDAY, JULY 7, 2008

H031345 LANE v. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
By the Court*:

Appellant's petition for rehearing is denied.
Filed: July 7, 2008
*Before Rushing, P.J., Premo, J. and Duffy, J.

H032915 MARRIAGE OF MICHAEL AND LINDA WHITTINGHILL
By the Court:

Appellant's motion to vacate the dismissal order issued June 18, 2008, is granted and the appeal is ordered restored to active status. Appellant shall post the required fees necessary to complete record preparation in the above entitled appeal within 10 days from the date of this order. The clerk of the Santa Cruz County Superior Court is directed to effect the preparation of the record on appeal as provided under the pertinent provisions of the California Rules of Court.
Dated: July 7, 2008 Rushing, P.J.

H032450 PEOPLE v. RANDY L.

The juvenile court's jurisdictional order is reversed and the case is remanded for further proceedings. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed July 7, 2008

H031130 TENDLER v. WWW.JEWISHSURVIVORS.BLOGSPOT.COM, et al.
Filed order publishing opinion.
(Mihara, Acting P.J., McAdams, J., Duffy, J.)

H031978 NGHIEM v. FUJITSU MICROELECTRONICS, INC. et al.
By the Court*:

Appellant's petition for rehearing is denied.
Filed: July 7, 2008
*Before Rushing, P.J., Premo, J. and Elia, J.

H032347 In re K. W., et al.; DFCS v. PATTY D.

The dispositional orders of October 9, 2007, are affirmed.
(not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed July 7, 2008

Sixth Appellate District

San Jose, California

TUESDAY, JULY 8, 2008

H031406 PEOPLE v. LARA

By the Court:

On September 22, 2006, Helen Leichter, attorney for the City of Santa Clara, and Dan Marino, custodian of the records for the City of Santa Clara Police Department, presented confidential records for in camera review by Santa Clara County Superior Court Judge Randolph Rice in connection with Santa Clara County Superior Court case number CC629785. These records included at least parts of the personnel files and internal affairs files of Santa Clara Police Officers Roy Gutierrez and Shawn Wynn and a yearly file for Gutierrez. The Attorney General is ordered to lodge with the clerk of this court within 20 days of the date of this order the original records or copies of the records reviewed by Judge Rice. These records shall be lodged under seal and will be returned to the City after review by this court. (Cal. Rules of Court, rules 2.585, 2.551(g).) The submission order in this case dated May 6, 2008 is hereby vacated. The cause will be resubmitted upon the lodging of the aforementioned records.

Dated: July 8, 2008 Rushing, P.J.

H031252 NGUYEN et al. v. AMARABUDDHI et al.

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed July 8, 2008

H031524 FALCONE v. FYKE

The orders of the trial court are affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed July 8, 2008

H030415 PEOPLE v. LEAL

The judgment is reversed and the matter is remanded for resentencing. Upon remand, the trial court shall exercise its discretion under section 186.22, subdivision (b)(1)(A), to decide whether to impose an additional enhancement term of two, three, or four years as to each count and stay execution of sentence on counts two and four pursuant to section 654. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed July 8, 2008

H031632 MOORE v. RIMMER, et al.

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed July 8, 2008

Sixth Appellate District

San Jose, California

Tuesday, July 8, 2008 (continued)

The following cases are submitted this date:

H032919 DALE I. v. SUPERIOR COURT

H032922 ISABEL O. v. SUPERIOR COURT

WEDNESDAY, JULY 9, 2008

H030594 PEOPLE v. CASTILLO

The sentence on count 9, battery upon a noninmate in violation of section 4131.5, is ordered stayed. The trial court is directed to prepare a corrected abstract of judgment and forward it to the Department of Corrections and Rehabilitation. As so modified, the judgment is affirmed. (not published) (Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)
Filed July 9, 2008

H030587 LINDSLEY v. UNION PACIFIC RAILROAD COMPANY, et al.

The summary judgments in favor of Seaside, the City, and the Railroad are affirmed. (not published) (McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)
Filed July 9, 2008

H031365 PEOPLE v. KNIGHT

The judgment is affirmed. (not published) (McAdams, J.; We concur: Rushing, P.J., Duffy, J.)
Filed July 9, 2008

The following case is submitted this date:

H031202 PEOPLE v. CLARK

H032111 PEOPLE v. ADDISON

The judgment is affirmed. (not published) (McAdams, J.; We concur: Rushing, P.J., Duffy, J.)
Filed July 9, 2008

H031427 PEOPLE v. GAMBLE

The judgment is reversed, and the matter is remanded for a new sentencing hearing at which the court shall exercise its discretion to impose either a concurrent term or a consecutive term for the escape count. (published) (Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)
Filed July 9, 2008

Sixth Appellate District

San Jose, California

THURSDAY, JULY 10, 2008

H031843 REYES, et al. v. CHEVRON U.S.A., INC.,

The order is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)
Filed July 10, 2008

H031864 PEOPLE v. VASQUEZ

The July 19, 2007, order imposing an indeterminate term of
commitment as an SVP is reversed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed July 10, 2008

H031851 PEOPLE v. ROTROFF

The July 19, 2007, order imposing an indeterminate term of
commitment as an SVP is reversed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed July 10, 2008

H031870 PEOPLE v. BURGESS

The July 19, 2007, order imposing an indeterminate term of
commitment as an SVP is reversed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed July 10, 2008

H031856 PEOPLE v. SANCHEZ

The July 19, 2007, order imposing an indeterminate term of
commitment as an SVP is reversed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed July 10, 2008

H031346 MOORE-ALI v. WOODFORD, et al.

The judgment is reversed and the matter is remanded to the
trial court with directions to (1) deny the motion for summary
judgment by respondents Nola Grannis and Thomas Surges, (2) enter
an order striking the answer by respondents Nola Grannis and
Thomas Surges to appellant's first amended complaint, and (3)
reverse the order granting summary judgment in favor of
respondents Richard Hager, Alexander Meden, Alan Williams, Jeanne
Woodford, and Charles Watson. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams,
J.)
Filed July 10, 2008

Sixth Appellate District

San Jose, California

FRIDAY, JULY 11, 2008

H031098 PEOPLE v. CHAIREZ

The judgment is modified to (1) stay the concurrent term imposed on count 2, (2) amend the restitution fine imposed under section 1202.4 to the amount of \$5,000, and (3) amend the amount of the parole-revocation fine imposed under section 1202.45 to the amount of \$5,000, which fine is suspended. As so modified, the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed July 11, 2008